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6 UNITED STATES BANKRUPTCY COURT
7 NORTHERN DISTRICT OF CALIFORNIA
8 OAKLAND DIVISION

9 In re: Tony Fu,

10 Debtor.

11 Thai Ming Chiu, Demas Yan, Legal
12 Recovery, LLC,
13 Plaintiffs,
14 v.
15 Tony Fu,
16 Defendant.

Bankruptcy Case No.: 17-41205 CN

AP # 17-04056

REPLY TO DEFENDANT'S OPPOSITION TO
MOTION FOR RELIEF FROM ORDER

ENTERED JANUARY 31, 2019

Date: 3/11/2019

Time: 10 am

Judge: Charles Novak

Ctrm: 215

Trial: January 8-9, 29-30, 2019

17 Defendant Tony Fu, through his counsel Eric Nyberg, is misrepresenting the record. Mr. Nyberg
18 argues that standing was not an issue before the court, but he was the one who made an oral
19 argument and argued before the court on January 30, 2019 that plaintiff "is not a creditor" and
20 that "there's no standing". (Jan. 30, 2019 audio recording at time 22:40-23:17.) The court agreed
21 with defendant's argument and found that plaintiff is not a creditor and has no standing (audio at
22 22:40-23:17). Also in the minutes the court granted defendant's oral motion to dismiss:

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24 Day 4 Trial 01/30/2019 at 9:00 AM Minutes: Appearance(s): Plaintiff Demas Yan
25 represent himself, Mark Lapham represent plaintiff Thai Ming Chiu.
26 Eric Nyberg and Sarah Little represent defendant Tony Fu. Defendant's
27 Oral Motion to Dismiss is GRANTED. Court finds JUDGMENT IN FAVOR of
28 Defendant Tony Fu. Post Trial Briefs (no more than 15 pages each) to
be filed by 2/25/2019. Post Trial hearing is scheduled for 3/8/2019 at
01:00 PM at Oakland Room 215 - Novack. The court will issue scheduling
order. Trial adjourned. (mab)

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2 Since the court had found that plaintiff has no standing, the court has no subject matter
3 jurisdiction to enter judgment after granting defendant's motion to dismiss.
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5 The order entered on January 31, 2019 granting judgment to Defendant against Plaintiff
6 should be set aside.
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8 Plaintiff hereby submit on the pleadings and the records herein.
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10 Dated: 2/27/2019

11 /s/Mark Lapham
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